

REMARKS

Applicants respectfully request reconsideration of the above-identified application. Claims 1, 10, 22-26, 29, 30 and 36 have been amended, and Claim 27 has been canceled. Thus, Claims 1-26 and 28-36 are pending.

Claims 1-3, 5-8, 14-18, 21-27, 29-32, and 34 were rejected in the January 16, 2002 Office Action (hereinafter "Office Action") under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,741,550 to Dennis (hereinafter "Dennis"). Claims 10-13 and 35 were rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,168,173 to Reuss et al. (hereinafter "Reuss"). Claims 4 and 19 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Dennis in further view of U.S. Patent No. 5,367,793 to Deacon et al. (hereinafter "Deacon"). Claims 9, 20, 28, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dennis in further view of U.S. Patent No. 5,850,702 to Okajima (hereinafter "Okajima"). Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reuss. Applicants respectfully submit that the claims of the above-identified application are allowable over the cited and applied references. The reasons why Applicants believe the claims of the present application are allowable are discussed in detail below, following a brief description of Dennis, Reuss and Okajima.

Dennis

Dennis is directed to a binding system for securing a conventional ski boot to a snowboard through the use of a conventional ski binding. Dennis purportedly teaches a conventional ski boot 50 having an upper UL with a conventional sole piece SPL. The sole piece has a conventional toe engagement profile and a conventional heel engagement profile. The toe and heel profiles of ski boot 50 engage under clip 51 and heel toggle binding arrangement 53 of a mounting plate 52, respectively, to releasably secure the ski boot thereto. A simulated ski boot

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

sole member 60, which is releasably secured to the snowboard by a convention ski binding 15, 16, includes a plurality of threaded holes 63, 64 for adjustably securing the sole member 60 to the mounting plate 52 via fasteners 65 and 66. A pair of height adjustable anti-sway blocks 70 and 71 are secured to the heel and toe ends of the mounting plate 52 by threaded fasteners 73, 74 and locking nuts 76. Anti-friction plates 80, 81, which engage with the anti-sway blocks 70 and 71, are secured to or otherwise mounted on the ski board. The anti-sway blocks are said to prevent unnecessary torque on the ski bindings and provide stability.

Reuss

Reuss is directed to a snowboard boot with a binding interface. Reuss purportedly teaches a snowboard boot binding system 18 that includes a snowboard boot 20 movably mounted to a binding interface 22 via fasteners 70 and 72 so that the boot 20 can flex in a side-to-side direction. The binding interface 22 includes interface features that are adapted to rigidly secure the binding interface 22 to a snowboard binding 46. Reuss teaches multiple methods of achieving boot flexion in a side-to-side direction. In one embodiment, a horizontal arm 90 is disposed on the outer side of the boot 20 above the binding interface 22. An adjustment member 92 extends vertically from the outer edge of the binding interface 22 and through an aperture 94 in the arm 90. A retainer 96 is attached to the adjustment member 92 and is spaced from the arm 90 so that the boot 20 may flex between a range from 0 degrees to a maximum angle (A) limited by the distance between the retainer 96 and the arm 90. The retainer 96 may be adjustably positioned along the adjustment member 92 so that the rider can selectively increase and decrease the range of side-to-side flexion by increasing or decreasing the distance between the retainer 96 and the arm 90.

Okajima

Okajima is directed to a snowboard boot sole having cleats for releasable securing the snowboard boot sole to a corresponding binding. Okajima purportedly teaches a solè core member 1 to which a cleat 4 is secured thereto by bolts passing through cleat attachment holes 2 and 3. The cleat 4 includes a forward projecting member adapted for engagement with the binding, and a rearward facing member adapted for engagement with the binding.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5-8, 14-18, 21-27, 29-32, and 34 stand rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by Dennis. Claims 10-13, and 35 stand rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Reuss. Applicants respectfully traverse the rejection of these claims. A claim is anticipated only if each and every element as set forth in a claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co., California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For the following reasons, Applicants assert that Dennis and Reuss fail to teach or suggest all of the elements of these claims.

Independent Claim 1

As amended, Claim 1 recites an interface adjustment mechanism for adjusting the interface between a boot and a binding. The interface adjustment mechanism includes a frame member securable to a boot, and at least one adjustment member adjustably mounted on the frame member, "a portion of which is adapted for engagement with the binding." The adjustment member is extendable in a selected amount away from the frame member. As will be discussed in more detail below, Dennis fails to teach or suggest at least one adjustment member adjustably mounted on the frame member, "a portion of which is adapted for engagement with the binding."

In contrast to the present application, Dennis is directed to a binding system for securing a conventional ski boot to a snowboard. As was briefly described above, Dennis purportedly teaches a conventional ski boot 50 removably coupled to a mounting plate 52, which in turn, is coupled to a simulated ski boot sole member 60 via fasteners 65 and 66. The simulated ski boot sole member 60 is removably coupled to a snowboard by conventional ski bindings 15, 16. A pair of height adjustable anti-sway blocks 70 and 71 are secured to the heel and toe ends of the mounting plate 52 by threaded fasteners 73, 74 and locking nuts 76. Anti-friction plates 80, 81, which engage with the anti-sway blocks 70 and 71, are secured to or otherwise mounted on the ski board. See column 5, lines 34-50, and FIGURES 18-20. Thus, Dennis teaches a pair of height adjustable anti-sway blocks 70 and 71 secured to the heel and toe ends of the mounting plate 52 that engage with anti-friction plates mounted on the snowboard, whereas the adjustment member of the present application engages with the snowboard binding. Accordingly, Applicants assert that Dennis fails to teach that the anti-sway blocks 70 and 71 are capable of contacting or engaging the binding, as recited in amended Claim 1.

Therefore, for at least this reason, Dennis fails to teach or suggest each of the elements of amended Claim 1. Thus, Applicants respectfully request the withdrawal of the pending rejection under § 102 (e) with regard to Claim 1. Accordingly, Applicants respectfully request that the Examiner also withdraw the pending rejections to Claims 2-9, which depend from allowable Claim 1.

Independent Claim 10

Amended Claim 10 recites an interface adjustment mechanism for adjusting the interface between a boot and a binding. The interface adjustment mechanism includes a frame member having first and second ends, a least one base member coupled to either of the first and second ends of the frame member, and at least one spacer "having a binding contact surface adapted to

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

contact the binding, said spacer adjustably mounted to said base member" for selective orthogonal adjustment relative to the frame member. As will be discussed in more detail below, Reuss fails to teach or suggest an interface adjustment mechanism that includes at least one spacer having a binding contact surface adapted to contact the binding adjustably mounted to said base member for selective orthogonal adjustment relative to said frame member.

It is the Office's contention that Reuss teaches a snowboard binding system comprising a boot 18 with an upper 20 and outsole 36, a binding (or boot) interface 22, an interface adjustment mechanism 81 comprising a frame member 64 with first and second ends "A, B" having apertures, a base member 46, at least one spacer 97, and a plurality of spacer holding members (or adjustment member) 70, 72 for adjusting the space between the frame and the base members, the adjustment members having engagement (or contact) portions "E" and threaded portions "T". Applicants respectfully disagree with the Office's interpretation of Reuss.

Reuss purportedly teaches a snowboard boot binding system 18 that includes a snowboard boot 20 movably mounted to a binding interface 22 via fasteners 70 and 72 so that the boot 20 can flex in a side-to-side direction. The binding interface 22 includes interface features that are adapted to rigidly secure the binding interface 22 to a snowboard binding 46. In one embodiment, a horizontal arm 90 is disposed on the outer side of the boot 20 above the binding interface 22. An adjustment member 92 extends vertically from the outer edge of the binding interface 22 and through an aperture 94 in the arm 90. A retainer 96 is attached to the adjustment member 92 and is spaced from the arm 90 so that the boot 20 may flex between a range from 0 degrees to a maximum angle (A) limited by the distance between the retainer 96 and the arm 90. The retainer 96 may be adjustably positioned along the adjustment member 92 so that the rider can selectively increase and decrease the range of side-to-side flexion by

increasing or decreasing the distance between the retainer 96 and the arm 90. See column 4, line 59 –column 5, line 2, column 10, line 45–column 11, line 3, and FIGURE 10.

However, Applicants assert that Reuss fails to teach or suggest at least one spacer "having a binding contact surface adapted to contact the binding," as recited in Claim 10. Specifically, Applicants assert that the only portion of the binding system 18 of Reuss that is adjustably mounted for selective orthogonal adjustment relative to the frame member is retainer 96, which does not include a surface that is adapted to contact the binding 46.

Therefore, for at least this reason, Reuss fails to teach or suggest each of the elements of Claim 10. Thus, Applicants respectfully request the withdrawal of the pending rejection under § 102(e) with regard to Claim 10. Accordingly, Applicants respectfully request that the examiner also withdraw the pending rejection to Claim 11, which depends from allowable Claim 10.

Independent Claim 12

Claim 12 recites a snowboard boot selectively mountable to a binding. The snowboard boot includes an upper attached to an outsole, a frame member embedded within said outsole and having a threaded portion, and an adjustment member having an engagement portion and a threaded portion threadably engaged with the threaded surface of the frame member. The adjustment member is threadably adjustable relative to the frame member so that the engagement portion of the adjustment member projects a selective amount away from the frame member. As will be discussed in more detail below, Reuss fails to teach or suggest a snowboard boot that includes "a frame member embedded within said outsole and having a threaded portion."

In contrast to the present application, Reuss purportedly teaches a snowboard boot binding system 18 that includes a snowboard boot 20 movably mounted to an external binding interface 22 via fasteners 70 and 72 so that the boot 20 can flex in a side-to-side direction. Thus,

Reuss teaches the binding interface 22 mounted to the exterior surface of the boot by fasteners 70 and 72, whereas Claim 12 of the present application recites a snowboard boot having a frame member "embedded with said outsole and having a threaded portion." Accordingly, Applicants assert that Reuss fails to teach or suggest a frame member that is "embedded within said outsole" of the snowboard boot.

Therefore, for at least this reason, Reuss fails to teach or suggest each of the elements of Claim 12. Thus, Applicants respectfully request the withdraw of the pending rejection under § 102(e) with regard to Claim 12. Accordingly, Applicants respectfully request that the Examiner also withdraw the pending rejection to Claim 13, which depends from allowable Claim 12.

Independent Claim 14

Claim 14 recites an athletic boot selectively mountable to a binding. The athletic boot includes an upper fixedly secured to an outsole; and an interface adjustment mechanism for adjusting the interface between said boot and the binding. The interface adjustment mechanism is "disposed within said outsole and having at least one adjustment member, said adjustment member being extendable in a selected amount away from said outsole." As will be discussed in more detail below, Dennis fails to teach or suggest an athletic boot that includes an interface adjustment mechanism "disposed within said outsole and having at least one adjustment member, said adjustment member being extendable in a selected amount away from said outsole."

As was discussed above, Dennis purportedly teaches a conventional ski boot 50 having an upper UL with a conventional sole piece SPL. The sole piece has a conventional toe engagement profile and a heel engagement profile. The toe and heel profiles of ski boot 50 engage under clip 51 and heel toggle binding arrangement 53 of a mounting plate 52, respectively, to releasably secure the ski boot thereto. A pair of height adjustable anti-sway

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

blocks 70 and 71 are secured to the heel and toe ends of the mounting plate 52 by threaded fasteners 73, 74 and locking nuts 76. See column 5, lines 34-50, and FIGURES 18-20. Thus, the mounting plate 52, which includes height-adjustable anti-sway blocks 70 and 71, is releasably secured to the outside of the sole piece SPL, whereas Claim 14 of the present application recites an athletic boot that includes an interface adjustment mechanism "disposed within said outsole and having at least one adjustment member, said adjustment member being extendable in a selected amount away from said outsole." Accordingly, Applicants assert that Dennis fails to teach or suggest an interface adjustment member "disposed within the outsole" of the athletic boot.

Therefore, for at least this reason, Dennis fails to teach or suggest each of the elements of Claim 14. Thus, Applicants respectfully request the withdraw of the pending rejection under § 102(b) with regard to Claim 14. Accordingly, Applicants respectfully request that the Examiner also withdraw the pending rejections to Claims 15-21, which depend from allowable Claim 14.

Independent Claim 22

As amended, Claim 22 recites a snowboard boot selectively mountable to a binding. The snowboard boot includes an outsole having a bottom surface; at least one base member nonremovably mounted to the outsole, and at least one adjustment member adjustably mounted on the base member for selective substantially orthogonal adjustment relative to the outsole. As will be discussed in more detail below, Dennis fails to teach or suggest a snowboard boot that includes "at least one base member nonremovably mounted to said outsole."

As was discussed above, Dennis purportedly teaches a conventional ski boot 50 removably coupled to a mounting plate 52, which in turn, is coupled to a simulated ski boot sole member 60 via fasteners 65 and 66. A pair of height adjustable anti-sway blocks 70 and 71 are

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

secured to the heel and toe ends of the mounting plate 52 by threaded fasteners 73, 74 and locking nuts 76. See columns 5, lines 34-50, and FIGURES 18-20. Thus, the mounting plate 52, which includes height-adjustable anti-sway blocks 70 and 71, is releasably secured to the outside of the sole piece SPL, whereas Claim 22 of the present application recites an athletic boot that includes at least one base member "nonremovably mounted to said outsole." Accordingly, Applicants assert that Dennis fails to teach or suggest at least one base member nonremovably mounted to the outsole of the snowboard boot.

Therefore, for at least this reason, Dennis fails to teach or suggest each of the elements of Claim 22. Thus, Applicants respectfully request the withdraw of the pending rejection under § 102(b) with regard to Claim 22. Accordingly, Applicants respectfully request that the Examiner also withdraw the pending rejections to Claims 23-26, 28, and 29, which depend from allowable Claim 22.

Independent Claim 30

Amended Claim 30 recites a snowboard boot selectively mountable to a binding. The snowboard boot includes an outsole having a bottom surface; a frame member coupled to the outsole and having first and second ends; first and second spacer holding members coupled to the first and second ends of the frame members, respectively; and at least one interface adjustment assembly associated with either of the first or second spacer holding members, "said interface adjustment assembly including a base member fixedly secured to either of said first or second spacer holding members and having a threaded aperture, and a spacer having an engagement portion and a threaded portion threadably engaged with said threaded aperture of said base member." The spacer is threadably adjustable relative to the base member so that the engagement portion of the spacer projects a selective amount away from the outsole. As will be described in more detail below, Dennis fails to teach a snowboard boot that includes an

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

"interface adjustment assembly including a base member fixedly secured to either of said first or second spacer holding members and having a threaded aperture, and a spacer having an engagement portion and a threaded portion threadably engaged with said threaded aperture of said base member."

As was discussed above, Dennis purportedly teaches a conventional ski boot 50 releasably secured to a mounting plate 52. A simulated ski boot sole member 60, which is releasably secured to the snowboard by a conventional ski binding 15, 16, includes a plurality of threaded holes 63, 64 for adjustably securing the sole member 60 to the mounting plate 52 via fasteners 65 and 66. A pair of height adjustable anti-sway blocks 70 and 71 are secured to the heel and toe ends of the mounting plate 52 by threaded fasteners 73, 74 and locking nuts 76. Anti-friction plates 80, 81, which engage with the anti-sway blocks 70 and 71, are secured to or otherwise mounted on the ski board. See columns 5, lines 34-50, and FIGURES 18-20. However, Applicants assert that Dennis fails to teach all of the elements as defined by Claim 30 when taken as a whole. Specifically, Applicants assert that Dennis fails to teach an interface adjustment assembly that includes "a base member fixedly secured to either of said first or second spacer holding members and having a threaded aperture, and a spacer having an engagement portion and a threaded portion threadably engaged with said threaded aperture of said base member," as recited in Claim 30.

Therefore, for at least this reason, Dennis fails to teach or suggest each of the elements of Claim 30. Thus, Applicants respectfully request the withdraw of the pending rejection under § 102(b) with regard to Claim 30. Accordingly, Applicants respectfully request that the Examiner also withdraw the pending rejections to Claims 31-34, which depend from allowable Claim 30.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Independent Claim 35

Claim 35 recites an athletic boot in combination with a binding to which the boot may be selectively coupled in a fixed disposition. The combination includes a binding having a boot interface surface; a boot having an outsole; and "at least one interface adjustment member selectively securable to said outsole of said boot and having a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding." The interface adjustment member is extendable in a selected amount away from said outsole of said boot. As will be described in more detail below, Reuss fails to teach an athletic boot in combination with a binding that includes "at least one interface adjustment member selectively securable to said outsole of said boot and having a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding."

In contrast to the present application and briefly described above, Reuss purportedly teaches a snowboard boot binding system 18 that includes a snowboard boot 20 movably mounted to a binding interface 22 via fasteners 70 and 72 so that the boot 20 can flex in a side-to-side direction. The binding interface 22 includes interface features that are adapted to rigidly secure the binding interface 22 to a snowboard binding 46. In one embodiment, a horizontal arm 90 is disposed on the outer side of the boot 20 above the binding interface 22. An adjustment member 92 extends vertically from the outer edge of the binding interface 22 and through an aperture 94 in the arm 90. A retainer 96 is attached to the adjustment member 92 and is spaced from the arm 90 so that the boot 20 may flex with a range from 0 degrees to a maximum angle (A) limited by the distance between the retainer 96 and the arm 90. The retainer 96 may be adjustably positioned along the adjustment member 92 so that the rider can selectively increase and decrease the range of side-to-side flex by increasing or decreasing the distance between the retainer 96 and the arm 90.

However, Applicants assert that Reuss fails to teach or suggest "at least one interface adjustment member selectively securable to said outsole of said boot and having a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding," as recited in Claim 35. Specifically, Applicants assert that the only portion of the binding system 18 of Reuss that could possibly be interpreted to be selectively securable to the outsole and be extendable in a selected amount away from the outsole is retainer 96, which does not include a binding interface surface that contacts the boot interface surface of the binding 46 when the boot is coupled to the binding.

Therefore, for at least this reason, Reuss fails to teach or suggest each of the elements of Claim 35. Thus, Applicants respectfully request the withdrawal of the pending rejection under § 102(e) with regard to Claim 35.

Rejections Under 35 U.S.C. § 103

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Reuss. Claims 9, 20, 28, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dennis in further view of Okajima. For the reasons discussed below, Applicants respectively traverse the rejections of these claims.

Independent Claim 36

The Office action states that Reuss discloses a snowboard binding system comprising a boot 18 with upper 20 and outsole 36, a binding (or boot) interface 22, an interface adjustment mechanism 81 comprising a frame member 64 with first and second ends "A, B" having apertures, a base member 46, at least one spacer 97, and a plurality of spacer holding members (or adjustment members) 70, 72 for adjusting the space between said frame and base members, said adjustment members having engagement portions "E" and threaded portions "T", as shown in Figures 3, 4, and 10. However, the Office Action states that Reuss does not disclose the

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

adjustment members as having different thicknesses. Accordingly, the Office Action states that simply changing the size of the pads is not patentable unless it produces an unexpected result. Therefore, the Office Action states that would have been obvious to one of ordinary skill in the art at the same time the invention was made to have given the binding taught by Reuss et al. different thickness of pads to increase or decrease the amount of cushion desired as a matter of design choice.

Applicants agree the Reuss does not disclose adjustment members as having different thicknesses. However, Applicants assert that, as amended, Reuss fails to teach each of the limitations of the Claim 36.

For the same reasons as discussed above with respect to Claim 35, Applicants' invention, as recited in amended Claim 36, is allowable over the teachings of Reuss. In its entirety, amended Claim 36 is as follows:

36. An athletic boot in combination with a binding to which the boot may be selectively coupled in a fixed disposition, comprising:

a binding having a boot interface surface;

a boot having an outsole; and

a plurality of interface adjustment members selectively securable to said outsole of said boot, each adjustment member having a binding contact portion and a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding, said contact portion defining a thickness;

wherein said plurality of interface adjustment members are configured to having different predetermined contact portion thicknesses, said plurality of

interface adjustment members being interchangeable to selectively adjust the degree of extension of said interface surface away from said outsole of said boot.

Reuss fails to teach a combination athletic boot and binding that includes "a plurality of interface adjustment members selectively securable to said outsole of said boot, each adjustment member having a binding contact portion and a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding." Thus, Reuss fail to teach or suggest each of the elements of amended Claim 36. Under § 103, a *prima facie* case of obviousness is established only if the cited references, alone or in combination, teach each of the limitations of the recited claims. *In re Bell*, 991 F.2d 781 (Fed. Cir. 1993). Therefore, for at least this reason, Applicants assert that a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request the pending rejection of Claim 36 under 35 U.S.C. § 103(a) be withdrawn.

Dependent Claims 9, 20, 28, and 33

Claims 9, 20, 28, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dennis in further view of Okajima. The Office action states that Dennis discloses every element of the interface adjustment mechanism claimed in Claim 9, 20, 28, and 33 with the exception of removable fore and aft cleats (first and second cleats in Claim 33). The Office Action combines the teachings of Okajima, which the Office Action believes teaches removable cleats, with Dennis to arrive at the claimed invention. Thus, the Office Action contends that it would have been obvious to one of ordinary skill in the art to have given the boot binding system of Dennis removable cleats, as taught by Okajima, in order to bind the boot sole to the base plate without the need for straps.

Applicants agree with the Office Action that Dennis fails to teach removably cleats. However, Applicants respectfully assert there is no suggestion or motivation to combine Dennis

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

and Okajima to arrive at the claimed combinations as define by Claims 9, 20, 28, and 33. Accordingly, Applicants respectfully traverse these rejections.

Dependent Claim 9 recites an interface adjustment mechanism and having, in addition to the allowable combination of elements of Claim 1, fore and aft cleats removably coupled to the frame member. In contrast, Dennis is directed to a structure for coupling a conventional ski boot 50 to a snowboard through the use of a conventional ski binding 15, 16. Dennis purportedly teaches a conventional ski boot 50 having an upper UL with a conventional sole piece SPL. The sole piece has a conventional toe engagement profile and a heel engagement profile. The toe and heel profiles of ski boot 50 engage under clip 51 and heel toggle binding arrangement 53 of a mounting plate 52, respectively, to releasably secure the ski boot thereto. A simulated ski boot sole member 60, which is releasably secured to the snowboard by the convention ski bindings 15, 16 (the ski bindings are aligned with the longitudinal axis of the snowboard), includes a plurality of threaded holes 63, 64 for adjustably securing the sole member 60 to the mounting plate 52 via fasteners 65 and 66. See column 5, lines 34-50, and FIGURES 18-20.

Thus, Applicants assert there is no suggestion or motivation to include the cleats of Okajima with the binding system of Dennis. Specifically, Applicants assert that Dennis provides a simulated ski boot sole member for releasably securing the ski boot/mounting plate to the conventional ski bindings. Since the binding system of Dennis already uses a boot sole member 60 for releasably securing the ski boot/mounting plate to the conventional ski bindings, Applicants assert there would be no reason to further include the removable cleats of Okajima to the bottom of the mounting plate. This would be unnecessary and redundant. Additionally, Applicants assert that one of ordinary skill in the art would not substitute the removable cleats of Okajima for the sole member 60, since the removable cleats of Okajima are incompatible with the conventional ski bindings of Dennis. Therefore, Applicants respectfully assert that any

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

suggestion or motivation to combine Dennis with Okajima is lacking, and that one skilled in the art would not combine the teachings of Dennis with the teachings of Okajima to arrive at Applicants' claimed invention since the removable cleats would be both redundant and incompatible with the conventional ski bindings of Dennis.

As a general rule, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). Applicants respectfully assert that the Office Action's suggestion to include the removable cleats of Okajima with the binding system of Dennis to arrive at Applicants' claimed combination is hindsight. Therefore, for at least the arguments set forth above, Applicants submit that a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully the request pending rejection of Claim 9 under 35 U.S.C. § 103(a) be withdrawn.

For the same reasons as discussed above with respect to Claim 9, Applicants' invention, as recited in dependent claims 20, 28, and 33, is not obvious by the teachings of Dennis taken in view of Okajima. Therefore, for at least this reason, Applicants submit that a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully the request pending rejection of Claims 20, 28, and 33 under 35 U.S.C. § 103(a) be withdrawn.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In conclusion, Applicants submit that the claims of the present invention are allowable over the cited and applied references. If any further questions remain, the Examiner is invited to telephone Applicants' attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Brandon C. Stallman
Registration No. 46,468
Direct Dial No. 206.695.1708

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date:

June 17, 2002

Carolyn Grimes

BCS:cg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

VERSION WITH MARKINGS TO SHOW CHANGES MADE JUNE 17, 2002

In the Claims:

1. (Amended) An interface adjustment mechanism for adjusting the interface between a boot and a binding comprising:

a frame member securable to a boot; and

at least one adjustment member adjustably mounted on said frame member, a portion of which is adapted for engagement with the binding, said adjustment member being extendable in a selected amount away from said frame member.

10. (Amended) An interface adjustment mechanism for adjusting the interface between a boot and a binding comprising:

a frame member having first and second ends;

at least one base member coupled to either of said first and second ends of said frame member; and

at least one spacer having a binding contact surface adapted to contact the binding, said spacer adjustably mounted to said base member for selective orthogonal adjustment relative to said frame member.

22. (Amended) A snowboard boot selectively mountable to a binding comprising:

an outsole having a bottom surface;

at least one base member nonremovably mounted to said outsole; and

at least one adjustment member adjustably mounted on said [outsole] base member for selective substantially orthogonal adjustment relative to said outsole.

23. (Amended) The snowboard boot of Claim 22, [further comprising a base member coupled to said outsole, said at least one adjustment member adjustably mounted on said base member]wherein said base member defines a first threaded surface, and said adjustment member

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

includes an engagement portion adapted for engagement with the binding and a second threaded surface threadably engageable with said first threaded surface of said base member.

24. (Amended) The snowboard boot of Claim 22[3], wherein said [at least one] adjustment member is adjustably mounted on said base member for selective substantially orthogonal adjustment relative to said bottom surface of said outsole.

25. (Amended) The snowboard boot of Claim 22, further comprising a frame member disposed within said outsole; said [at least one adjustment member adjustably mounted on] base member coupled to said frame member.

26. (Amended) The snowboard boot of Claim 23, [further comprising fore and aft holding members coupled to said outsole, said base member coupled to either of said fore and aft holding members]wherein said outsole defines at least one adjustment member mounting aperture opening to said bottom surface, said base member mounted within said adjustment member mounting aperture.

29. (Amended) The snowboard boot of Claim 22[3], further comprising a plurality of adjustment members and a plurality of base members, one of said plurality of adjustment members adjustably coupled to each base member.

30. (Amended) A snowboard boot selectively mountable to a binding comprising:
an outsole having a bottom surface;
a frame member coupled to said outsole and having first and second ends;
first and second spacer holding members [removably] coupled to said first and second ends of said frame members, respectively; and
at least one interface adjustment assembly [coupled] associated with [said] either of said first [and] or second spacer holding members, said interface adjustment assembly including a base member fixedly secured to either of said first or second spacer holding members and having

a threaded aperture, and a spacer having an engagement portion and a threaded portion threadably engaged with said threaded aperture of said base member, said spacer being threadably adjustable relative to said base member so that said engagement portion of said spacer projects a selective amount away from said outsole.

36. (Amended) An athletic boot in combination with a binding to which the boot may be selectively coupled in a fixed disposition, comprising:

a binding having a boot interface surface;

a boot having an outsole; and

a plurality of interface adjustment members selectively securable to said outsole of said boot, each adjustment member having a binding contact portion and a binding interface surface that contacts the boot interface surface of said binding when said boot is coupled to said binding, said contact portion defining a thickness;

wherein said plurality of interface adjustment members are configured to having different predetermined contact portion thicknesses, said plurality of interface adjustment members being interchangeable to selectively adjust the degree of extension of said interface surface away from said outsole of said boot.

In the Abstract:

The abstract should read as follows:

An interface adjustment mechanism 100 [is provided that] includes a frame member 102 and fore and aft adjustable spacer holding members 104, 106, and is disposed within the outsole of the snowboard boot 10. The interface adjustment mechanism 100 also includes a plurality of interface adjustment assemblies 160. Each interface adjustment assembly 160 includes a base member 170 having a threaded aperture and an adjustment member or spacer 172 having a threaded portion threadably engageable with the threaded aperture of the base member so that the

spacer 172 can be adjustable relative to the base member 170. When incorporated into the snowboard boot 10, the interface adjustment mechanism 100 provides the rider with an adjustable spacer/dampening system that can eliminate slop and provide dampening and shock absorption between the snowboard boot 10 and the snowboard binding 30. Eliminating slop and providing dampening and shock absorption provides the rider with improved control, force transmission, and feel.